



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 20, 2019

BY ECF AND EMAIL

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Afriyie*, 16 Cr. 377 (PAE)

Dear Judge Engelmayer:

The Government respectfully submits for the Court's consideration a proposed Amended Order of Restitution in the above-captioned case. On October 18, 2019, the Second Circuit vacated this Court's original Order of Restitution, pursuant to which defendant John Afriyie was to pay restitution to his former employer, MSD Capital, L.P. ("MSD"), in the amount of \$663,028.92, and remanded the case for recalculation of restitution following the Supreme Court's decision in *Lagos v. United States*, 138 S. Ct. 1684 (2018). See *United States v. Afriyie*, 929 F.3d 63, 74 (2d Cir. 2019).

As set forth in the enclosed letter, MSD subsequently reduced the amount of restitution it seeks, in order to comply with *Lagos*. ("MSD Ltr."). Specifically, MSD has excised from its request for restitution "all legal fees incurred by MSD for external counsel's work on MSD's private investigation concerning Mr. Afriyie, and on responding to subpoenas and request from Mr. Afriyie between March 2016 and January 2017." (MSD Ltr. at 1). The Government believes that the remaining categories of legal fees for which MSD seeks restitution, set forth on the second page of the MSD Letter, are consistent with the Supreme Court's directive in *Lagos*. Accordingly, the Government respectfully submits a proposed Amended Order of Restitution in the amount of \$511,368.92.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

Any opposition or response by the defendant to the proposed amended order of restitution is due no later than December 27, 2019.

12/20/2019

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

By: /s/
Christine I. Magdo
Edward A. Imperatore
Assistant U.S. Attorneys